

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Harris Lee Jackson,

Plaintiff,

Civil No. 12-1365 (SRN/FLN)

v.

**REPORT AND  
RECOMMENDATION**

Catholic Charities of the Archdiocese of St. Paul,  
Paul Martodam, Gary Schroeder, &  
Randy Leikem,

Defendants.

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Harris Lee Jackson, pro se.  
Stacy Kabele for Defendant Catholic Charities & Paul Martodam.  
Margaret Santos for Defendants Gary Schroeder & Randy Leikem.

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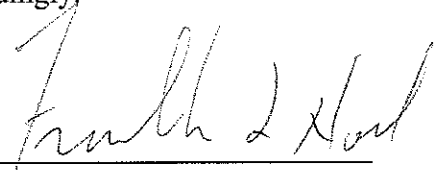
**THIS MATTER** came before the undersigned United States Magistrate Judge on August 31, 2012 on Defendants' motions to dismiss for lack of subject-matter jurisdiction (ECF Nos. 4, 9 & 16) and Plaintiff's motion to quash Defendants' motions to dismiss (ECF No. 25).

Harris Lee Jackson, the plaintiff, brings this action against Defendants for injuries he allegedly suffered while staying at the Bethel Hotel in St. Paul, MN. The complaint alleges that the Court has jurisdiction over the matter under 28 U.S.C. § 1332. That statute provides that federal courts have original jurisdiction over civil actions in which the matter in controversy is greater than \$75,000 and is between "citizens of different States." 28 U.S.C. § 1332(a)(1). The parties to this case are all citizens of Minnesota. *See* Compl. at 2; Martodam Aff. ¶ 2, ECF No. 22; Schroeder Aff. ¶ 2, ECF No. 30; Leikem Aff. ¶ 2, ECF No. 31. Because complete diversity does not exist between the parties, the Court lacks subject-matter jurisdiction under 28 U.S.C. § 1332. Based on the

foregoing, and all the files, records, and proceedings herein, it is **HEREBY RECOMMENDED** that:

1. Defendants' motions to dismiss for lack of subject-matter jurisdiction (ECF Nos. 4, 9, & 16) be **GRANTED**;
2. Plaintiff's motion to quash Defendants' motions to dismiss (ECF No. 25) be **DENIED**;
3. The case be **DISMISSED WITH PREJUDICE**; and
4. The Court should enter judgment accordingly.

DATED: 9/13, 2012

  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **[date 14 days from R&R date]**, written objections that specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within fourteen (14) days after service thereof. All briefs filed under the rules shall be limited to 3,500 words. A judge shall make a de novo determination of those portions to which objection is made.

Unless the parties are prepared to stipulate that the District Court is not required by 28 U.S.C. § 636 to review a transcript of the hearing in order to resolve all objections made to this Report and Recommendation, the party making the objections shall timely order and cause to be filed by **[same date as above]** a complete transcript of the hearing.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.